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through the door "of the equal protection of the laws." There cannot be too much insistence on definite meanings for specific clauses of the Constitution, for there is all too much of loose lumping of different provisions, resulting in the creation of an atmosphere of unconstitutionality, in passing on specific measures. To that extent Mr. Reeder's analysis is welcome. But when all is said, the book leaves one with the feeling that here is the uncompressed material for a preface of a treatise on the validity of rate regulations.

F. F.

**LIMITATIONS ON THE TREATY-MAKING POWER UNDER THE CONSTITUTION OF THE UNITED STATES.** By Henry St. George Tucker, LL.D. Boston: Little, Brown, and Company. 1915. pp. xxi, 444.

In these days, when there is a strong tendency to extend the treaty-making power of the United States, such a book as this is timely. The object of the book is to discuss and to endeavor to define the limitations of the treaty-making power. In the early chapters the views of "the fathers of the Constitution" are shown; and it is evident that the present extensions of the treaty-making power were not anticipated. Those entrusted with the treaty-making power since the middle of the nineteenth century are shown to have realized that certain of their acts probably were encroachments upon the rights of other branches of the government, yet to have justified these acts on the ground of high national policy. Against this tendency the opinions of many writers of high authority are stated; and to these are added the support of certain opinions of the Supreme Court.

The varied practice in treaty-making in the days of the Confederation was succeeded by an attempt to define the field of this power through the Constitution. If the clauses of the Constitution relating to treaty-making stood alone and were not part of the larger instrument and thereby limited, the contention of some of those who have from time to time been of the treaty-making bodies could more easily be maintained.

The lack of uniformity in opinions of presidents and secretaries of state as to the limitations of their treaty-making functions offer striking contrasts. Some of these are shown in the chapter devoted to the report of J. Randolph Tucker in 1887 upon the constitutionality of the Hawaiian treaty. In the discussion relating to the principles involved in the Japanese-California controversies, the opinion of the author is in many respects contrary to that of Professor Willoughby and to that of Mr. Root.

The position of Mr. Butler in his book, "Treaty-Making Power under the Constitution," to the effect that the treaty-making power is vested in the central government and "is also possessed by that government as an attribute of sovereignty," is also one entirely opposed to the general thesis of this book. It would likewise seem that Mr. Tucker would consider many recent international agreements which have been negotiated by the United States as without constitutional sanction.

Detailed attention is given to *Chirac v. Chirac*, *Hauenstein v. Lynham*, *Geofroy v. Riggs*, in connection with rights of aliens in relation to rights of states. The author does not consider certain common deductions from the case of *Ware v. Hylton* as justifiable.

Mr. Tucker does not claim to be making a profound contribution to the literature upon the Constitution of the United States, but a simple statement, which is written in easy style, of the power of the United States to make treaties. His conclusions would support a much more strict limitation upon the treaty-making power than has been observed in recent years.

G. G. W.